



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 20, 2006

BOB DUKE
WATERMASTER, WATER DISTRICT NO. 34
PO BOX 53
MACKAY, ID 83251-0053

Re: Water District 34 – Watermaster Election Letter

Bob,

The attached letter was received at our office Friday afternoon (March 17, 2006) and is being forwarded for your information.

Please call if you have questions.

Sincerely,

Nick Miller
Water Distribution Section

Enclosure: 03/17/06 letter. Kent Foster to IDWR Re: Water District 34 – Watermaster Election

cc: IDWR Eastern Region, Idaho Falls
Loy Pehrson – Rt 1 Box 48, Darlington, ID 83255
Lin Hintze – PO Box 125, Mackay, ID, 83251
Logan Williams – HC 86 Box 4160, Mackay, ID 83251
Kieth Hill – Mackay, ID 83251
Preston Bell – RT 1 Box 58, Darlington, ID 83231
Alvin Crawford – 3943 W Antelope Rd, Moore, ID 83255
Jay Jensen – 3165 W 3300 N, Moore, ID 83255
Bob Waddoups – 3474 W 2850 N, Moore, ID 83255
Eric Aikele – 3477 W 2700 N, Moore, ID 83255
Young Harvey Walker – Rt 1 Box 200, Arco, ID 83213
Mitchell Sorenson – 3871 W 2500 N, Moore, ID 83255
Big Lost River Irrigation District, 101 S Main Ave Mackay, ID
Richard Reynolds – 2800 N 3233 W, Arco, ID 83213
Darrell McDonald – PO Box 102, Arco, ID 83213-0102
Seth Beal – 2827 N 3375 W, Moore, ID 83255

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MAR 26 2006

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Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

**Also Licensed in Missouri & Kansas

March 17, 2006

VIA FACSIMILE & REGULAR MAIL

Director Karl Dreher
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098
Fax No.: 208-287-6700

Re: Water District 34 - Watermaster election.

Dear Director Dreher:

We have been requested to write this letter by and on behalf of Messrs. Seth Beal, Keith Waddoups, Jay Vaughn Jensen, Harvey Walker, Darrell McDonald, Mitchell Sorensen, Charlie Huggins, Rick Reynolds, Dean Andersen, Eric Aikele, Preston Bell, Joel Andersen and Kent Harwood, residents of the Big Lost River Valley and water users in Water District No. 34 of the State of Idaho. Besides being the holders of water rights administered in Water District No. 34 which are of crucial importance to the livelihoods of themselves and their families, each of these gentlemen is a leader in that community in water rights and water use matters. Several serve on the advisory, credentials and recharge committees for District 34; four are current members of the Board of Directors of the Big Lost River Irrigation District. Most attended and were bitterly disappointed with the conduct and outcome of the recent annual meeting of Water District 34.

Each of the named individuals owns and has the right to the use of one or more water rights in such district, and hereby requests the investigation by the Director contemplated by subparagraph (9) of Idaho Code, § 42-605, any hearing that may be deemed necessary by the Director, and ultimately, the removal of the Watermaster elected at said annual meeting.

The same individual has been elected Watermaster for 4 consecutive years, and administration of water rights within the Basin has continued to worsen. The records kept by him and submitted to the Department are neither kept as required by Idaho Law nor are some of the important ones either accurate or intelligible. He often relies more on measurements and data

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MAR 20 2006

Director Karl Dreher
Idaho Department of Water Resources
March 17, 2006
Page 2 of 2

he obtains from such entities as Big Lost River Irrigation District and Timberdome Canal Company than on records from his own or his employee's measurements. He appears to be confused about where and what measurements must be made and those submitted to IDWR are often inconsistent and confusing. He appears to show extreme favoritism to the water users above the Blaine diversion over the water users whose diversions are downstream of that location.

For example, at the recent annual meeting, he was unable to furnish consistent or accurate records of water diversions for any year. He submitted confusing records of deliveries of either 20,000 acre feet or 44,000 acre feet upstream of the Mackay Dam, when such delivery should not have exceeded 12,000 acre feet. He was unable to present any records to the credentials committee from which average annual dollar amounts assessed for the previous five (5) years could be determined. The result was that the water users upstream of the Blaine Diversion were given twice as many votes as those downstream. The valid decreed water rights show that about 40% of the waters of Big Lost River and its tributaries should be diverted and used upstream of the Blaine Diversion and about 60% should be delivered and used downstream from that point. Consequently, the election held at the annual meeting of Water District 34 was fatally flawed.

As will be obvious from the tenor of this letter, the named individuals on whose behalf it is written are very exercised about the violations of the law, the inconsistencies and inaccuracies of the Watermaster's records and the improprieties and gross unfairness that has resulted. Each is committed and most willing to assist and cooperate in every appropriate way to bring accurate and honest measuring and accounting procedures and the administration of water rights in Water District 34 in complete compliance with the applicable Idaho State laws, rules and regulations.

We will very much appreciate your prompt attention and response to this matter.

Yours very truly,



Kent W. Foster



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FAX TRANSMITTAL COVER SHEET

DATE: 3/20/2006

TO: BOB DUKE

FROM: NICK MILLER - IDWR

DOCUMENT

DESCRIPTION: 3/17/06 Letter Re: WD34 WATERMASTER Election

COMMENTS: _____

COVER SHEET + 2 PAGES

PLEASE CONTACT NICK MILLER 287-4956 IF YOU DON'T RECEIVE THIS
ENTIRE DOCUMENT

* * * Personal Journal (Mar. 20. 2006 1:42PM) * * *

1) Idaho Dept of Water Resources
2)

(Manual print)

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TX Count

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RX Count

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